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CURRENT DECISIONS

ALIENS—NATURALIZATION—LIMITATION OF TIME FOR FILING PETITION.—In 1905 Morena declared his intention under the law then in force to become a citizen of the United States and in 1914 he filed in court his petition for citizenship. The Act of June 29, 1906, c. 3592, 34 St. 596 (Comp. St. 1916, sec. 4362) provides (sec. 4) that "not less than two years nor more than seven years after he has made such declaration of intention he shall make and file in duplicate a petition" for citizenship. The old law contained no limitation as to the maximum interval which might elapse between the declaration and the final petition. *Held,* that an alien who made his declaration before the act of 1906 was required to file his petition not more than seven years after the date of the act. *United States v. Morena* (1918) 38 Sup. Ct. 151.

This decision sets at rest a point upon which the decisions of the lower federal courts were in conflict.

ALIEN ENEMIES—RIGHT TO SUE—SUSPENSION OF SUIT BY PARTNERSHIP HAVING ALIEN ENEMY MEMBER.—Action was brought by the plaintiffs, a partnership, to recover money due from the defendant. The plaintiffs' firm consisted of six members, of whom one was an alien enemy, but it appeared in the liquidation of the firm as constituted at the outbreak of the war that he was indebted to the partnership in a larger amount than his share of the sum involved in the suit. A motion to stay prosecution of the suit was granted and the plaintiffs appealed. *Held,* that no stay should have been granted. *Speyer Bros. v. Rodriguez* (1917, C. A.), noted in LAW JOURNAL (English) Dec. 1, 1917, p. 430.

The opinion states that the defendant's contention would in effect condemn all British subjects who had the misfortune at the outbreak of war to have an alien enemy partner to stand out of all moneys due to the firm at that date for an indefinite time, even though the alien enemy's share of those debts was small and there was no fear that he would during the war be able to handle it or derive any immediate benefit from it. See (1918) 27 YALE LAW JOURNAL, 420.

CONFLICT OF LAWS—EFFECT IN NEUTRAL COUNTRIES OF WAR EMERGENCY LEGISLATION OF BELLIGERENT COUNTRIES.—A German subject resident in Switzerland entered in 1900 into a contract of insurance with a French insurance company. In 1915 he removed to Germany, offering to pay in Switzerland the premium due. The French company refused to accept it on the ground that the French legislative decree of September 27, 1914, prohibited and declared void the performance of obligations contracted with and owing to or by subjects of Germany. The insured then brought an action in Switzerland to compel the French company to accept the premium. *Held,* that the action could be maintained, since the contract, having been concluded in Switzerland, was subject to Swiss law and the Swiss courts would not enforce in Switzerland war legislation of France, this being a matter of public and not of private law. *In re Cie. Nationale (French) v. Biermann (German)* (Supreme Court of Switzerland, Apr. 17, 1916) reported in (1917) 44 CLUNET 306.

This is in accordance with general principles of continental law by which a state will not enforce provisions of the public law of foreign countries not made a part of the original contract. *A fortiori,* it would seem that the courts

of a state should not enforce special legislation of a belligerent country in a struggle in which their country is neutral.

CONSTITUTIONAL LAW—CONSTITUTIONALITY OF SELECTIVE DRAFT ACT.—The plaintiff in error, convicted of failing to present himself for registration in violation of the "selective draft act" of May 18, 1917, challenged the validity of the act. *Held,* that the act was constitutional. *Arver v. United States* (1918) 38 Sup. Ct. 159.

For a brief discussion of previous decisions by less authoritative courts to the same effect, see (1917) 27 YALE LAW JOURNAL, 133. The opinion of the Supreme Court is chiefly devoted to the general question of the power of Congress to provide for compulsory military service, which is upheld in the most positive terms as within the power expressly given by Art. I, sec. 8, of the Constitution "to raise and support armies." The court also disposes summarily of various minor objections to special features of the act, most of which were also raised in the previous cases above referred to.

CONSTITUTIONAL LAW—DUE PROCESS—PROHIBITING POSSESSION OF LIQUOR FOR PERSONAL USE.—A state statute (Idaho, Laws 1915, ch. 11) declares it unlawful for any person "to have in his possession any intoxicating liquors except as in this act provided." The defendant was arrested for having in his possession a bottle of whiskey for his own use. Contending that the statute violated the Fourteenth Amendment he sought by *habeas corpus* proceedings to obtain his discharge. The state court sustained the statute. The petitioner sued out a writ of error. *Held,* that the statute was constitutional. *Crane v. Campbell* (1917, U. S.) 38 Sup. Ct. 98.

Mr. Justice McReynolds's opinion states "that the right to hold intoxicating liquors for personal use is not one of those fundamental privileges of a citizen of the United States which no state may abridge." The decision is one of first impression before the Supreme Court. There has been a conflict among state courts. See (1917) 27 YALE LAW JOURNAL, 286.

CONTRACTS—UNILATERAL—OFFER IRREVOCABLE AFTER PARTIAL ACCEPTANCE.—A landowner appointed the plaintiff as his sole agent to sell certain land, and agreed to sell on certain terms. He gave notice of revocation to the plaintiff while the latter was in treaty with a buyer. Later, the buyer agreed to the owner's terms, but the owner refused to sell. *Held,* that the offer to the agent was irrevocable after he had spent time, effort, and money in carrying out the owner's desires, and that the owner must pay the specified commission. *Braniff v. Blair* (1917, Kan.) 165 Pac. 816.

This is an application of the rule that an offer may become irrevocable prior to complete acceptance, where the requested acceptance is to consist of a number of acts requiring an appreciable length of time and effort or expense. See Arthur L. Corbin, *Offer and Acceptance, and Some of the Resulting Legal Relations* (1917) 26 YALE LAW JOURNAL, 169, 191-196, citing cases in accord and *contra.*

DAMAGES—MITIGATION—EXCESSIVE FREIGHT CHARGE PAID BY SHIPPER AND COLLECTED FROM CUSTOMERS.—The plaintiff lumber company paid excessive freight rates to the defendant carrier for transporting lumber and now seeks to recover the amount of such excess. The carrier contended that the plaintiff had suffered no damage because it had collected from its customers the amount of such excess freight rates. *Held,* that the defendant was liable for the difference between the reasonable rate and the excessive rate paid by